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Attorneys for Plaintiff, Karl Storz
Endoscopy-America, Inc.

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. C 09-0355 (VRW)

KARL STORZ ENDOSCOPY-AMERICA,
INC.

Plaintiff,

v.

STRYKER CORPORATION, AND
STRYKER COMMUNICATIONS, INC.

Defendants.

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING MOTIONS
FOR SUMMARY JUDGMENT
HEARING AND CLAIM
CONSTRUCTION HEARING**

[Civ. L.R. 6-2 & 7-12]

Honorable Vaughn R. Walker

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Karl Storz Endoscopy-America, Inc. ("KSEA") and Defendants Stryker Corporation and Stryker Communications, Inc. (collectively, "Stryker"), through their respective counsel of record, hereby stipulate to and jointly request the Court as follows:

1. By Order dated May 14, 2009 (Doc # 96-1), the Court entered an initial case management order. That order included scheduling a Claim Construction Hearing for March 17, 2010.

2. Due to the Court's unavailability, and pursuant to stipulation of the parties, the Court ordered on February 1, 2010 (Doc #186) that the claim construction hearing be continued from March 17, 2010 until June 23, 2010. Per the Order, Stryker's Motion for Summary Judgment of Non-Infringement, KSEA's Cross Motion for Partial Summary Judgment of Infringement, and KSEA's Rule 56(f) Motion to Allow Time for Necessary Discovery in Light of Pending Motion for Summary Judgment were also scheduled to be heard on June 23, 2010.

3. By Clerk's Notice on June 2, 2010 (Doc # 218), the Court notified the parties that the claim construction and summary judgment hearing would be continued from June 23, 2010 to September 1, 2010.

4. Plaintiff KSEA recently determined it would likely withdraw certain asserted claims in this action. These claims are part of the subject matter of the pending summary judgment motions as well as the claim construction hearing currently set for September 1, 2010. Plaintiff KSEA has therefore requested a continuance of the deadlines scheduled for September 1, 2010 to allow the likely withdrawal of these asserted claims. The parties agree this continuance will result in economy and convenience for each party as well as the Court.

5. The Clerk of Judge Walker, Cora Klein, has been consulted and has tentatively scheduled October 6, 2010 at 9:30 AM for the rescheduled hearing of the motions for summary judgment as well as the claim construction. She has directed the

parties to submit a stipulation and proposed order for consideration of the Court.

6. Pursuant to Civil L.R. 6-2(a)(1)-(3), this stipulated request is accompanied by the Declaration of Alfredo A. Bismonte setting forth (a) the reasons for the requested rescheduling; (b) all previous time modifications in the case; and (c) the effect of the requested rescheduling.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: August 26, 2010.

BECK, ROSS, BISMONTÉ & FINLEY, LLP

By _____/s/

Alfredo A. Bismonte
Attorneys for Plaintiff
Karl Storz Endoscopy-America, Inc.

Dated: August 26, 2010.

REED SMITH LLP

By _____/s/

William R. Overend
Attorneys for Defendants
Stryker Corporation and Stryker
Communications, Inc.

CERTIFICATION

I hereby attest pursuant to General Order 45, Section X, that concurrence in the filing of this document has been obtained by the above named signatories.

1 DATED: August 26, 2010

2 BECK, ROSS, BISMONTE & FINLEY LLP

3 By _____/s/_____
4 Alfredo A. Bismonte
5 Attorneys for Plaintiff
6 Karl Storz Endoscopy-America, Inc.

7 **ORDER**

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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11 Dated: August 27, 2010

12 Honorable _____
13 Chief Judge _____
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